

10A NCAC 26E .0107 is proposed for adoption as follows:

10A NCAC 26E .0107 APPROVAL OF CANINE CERTIFICATION ASSOCIATIONS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

(a) The Department of Health and Human Services shall approve a canine certification association that requests approval and meets the requirements as set forth in this Rule. any of the following:

- (1) ~~a North Carolina law enforcement agency that provides training in the field of drug detection dog handling;~~
- (2) ~~an employee of a North Carolina law enforcement agency that provides training in the field of drug detection dog handling; or~~
- (3) ~~an individual under contract to a North Carolina law enforcement agency that provides training in the field of drug detection dog handling~~

~~(b) A person requesting approval to provide canine certification for drug detection dogs utilized in a commercial detection service shall provide documentation verifying its identification as a North Carolina law enforcement agency, employee or contractor of a North Carolina law enforcement agency. Documentation may include contracts, references or other identification.~~

~~(c) The content of the training that the canine certification association plans to employ shall be approved by the Department of Health and Human Services pursuant to pursuant to Paragraph (b) of Rule .0106 of this Section.~~

(b) Each canine certification association shall utilize certification standards that require the dog handler to demonstrate competence in the following areas:

- (1) basic canine obedience;
- (2) canine safety;
- (3) drug detection; and
- (4) legal aspects of searches and controlled substances identification.

(c) The canine certification association shall make available to DHHS the certification procedures and standards it plans to employ.

(d) The certification procedures and standards shall certify the dog handler and drug detection dog as a team.

(e) The canine certification association shall submit documentation to DHHS showing the following:

- (1) the certification procedures and standards it utilizes are accepted as valid by a court of law; and
- (2) the dog handler/drug detection dog teams that have obtained certifications from that association are accepted as valid by a court of law.

(f) The DHHS shall review the certification procedures and standards to verify the association's compliance with the requirements as set forth in this Rule.

~~(g)~~ (g) The approval of a canine certification association by the Department of Health and Human Services DHHS shall be valid for three years. Canine certification associations that want to maintain approval shall request renewal from DHHS prior to the end of the three year period.

~~(d)~~ (h) The Department of Health and Human Services DHHS shall maintain a list of approved canine certification associations.

1 *History Note:* *Authority G.S. 90-100; 90-102.1; 143B-147(a)(5);*
2 *Eff. January 1, 2005.*
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